

REMARKS

The Official Action of January 23, 2007, has been carefully reviewed. The claims in the application are now claims 1-5, 7 and 11-17, and all of these claims should be in condition for formal allowance consistent with what is stated in the Official Action. Accordingly, the applicants respectfully request favorable consideration and early formal allowance.

Acknowledgement by the PTO of the receipt of applicants' papers filed under Section 119 is noted.

As regards the second paragraph on numbered page 2 of the Official Action, the examiner is correct that applicant has not filed a translation of the priority document. Applicants note for the record that such a translation is not necessary unless the priority date is to be perfected for purposes of antedating a reference, and consequently translations of priority documents are seldom filed under U.S. practice. As there is no reference to antedate at the present time, the filing of a translation is unnecessary.

Claims 6 and 8 have been objected to as being substantial duplicates of claim 7. Applicants accept the PTO ruling in this regard, and consequently claims 6 and 8 have

been deleted without prejudice, their subject matter being covered by claim 7.

Claim 10 has been rejected under §101 as non-statutory. Applicants accept the examiner's holding in this regard, claim 10 being a non-statutory "use" claim which is not in accordance with U.S. practice. Accordingly, claim 10 has been deleted without prejudice, its subject matter being covered by the remaining claims.

Claims 8 and 9 have been rejected under the first paragraph of §112. The rejection is respectfully traversed.

As pointed out above, claim 8 has been cancelled as being a substantial duplicate of claim 7. Accordingly, the rejection of claim 8 under the first paragraph of §112 need not be addressed at the present time.

Claim 9 is also cancelled above because it, like claims 6 and 8, is essentially directed to species which fall under the genus of claim 7, and consequently everything covered by claim 9 is also covered by claim 7.

Briefly, for the record, applicants do not acquiesce in the rejection under the first paragraph of §112, as those skilled in the art could very well practice applicants' invention with little or no additional experimentation, and

certainly no more than routine experimentation, such being clearly permissible under the first paragraph of §112.

Claim 10 has been rejected under the second paragraph of §112. As claim 10 has been deleted, applicants need not address this rejection at the present time.

No rejections have been imposed against claims 1-5, 7 and 11-13. Applicants accordingly understand that these claims are deemed by the PTO to define patentable subject matter, i.e. to define novel and unobvious subject matter under §§102 and 103, and to be in full compliance with all other statutory requirements including those of §112. Applicants understand that these claims are in condition for formal allowance.

New claims 14-17 have been added which parallel allowable claim 7, i.e. these new claims call for the pharmaceutical composition containing the compounds of claims 2-5, respectively. The insertion of new claims 14-17, along with previously amended claim 7, thus replaces claim 7 in its original multi-dependent form. New claims 14-17 are clearly patentable for the same reasons as claim 7.

The prior art documents of record and not relied upon by the PTO have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently

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material to warrant their application against any of
applicants' claims.

Applicants believe that all issues raised in the
Official Action have been addressed above in a manner that
should lead to patentability of the present application.
Favorable consideration and early formal allowance are
respectfully requested.

Respectfully submitted,

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